

EXHIBIT 1

UNITED STATES DISTRICT COURT

for the

District of Massachusetts



MANTHA

Plaintiff

V.
QUOTEWIZARD.COM, LLC

Defendant

Civil Action No. 1:19-cv-12235-LTS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: DRIPS HOLDINGS, LLC
C/O REGISTERED AGENT SOLUTIONS, INC., 44 School St., Ste 505, Boston, MA 02108

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Schedule A incorporated hereby by reference.

Place:
Nelson Mullins Riley & Scarborough LLP
c/o christine.kingston@nelsonmullins.comDate and Time:
03/15/2021 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/01/2021

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Christine M. Kingston

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Defendant Quotewizard.com LLC, who issues or requests this subpoena, are:
Christine M. Kingston, Esq., Nelson Mullins Riley and Scarborough LLP, One Financial Center, Ste 3500, Boston, MA 02109 / christine.kingston@nelsonmullins.com / 617-217-4700

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 1:19-cv-12235-LTS

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

 _____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
 _____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

SCHEDULE A

I. Definitions

1. All definitions set forth in L.R., D. Mass 26.5 are incorporated by reference herein. Such incorporated definitions include the definitions of the words **document**; **communication**; and **concerning**.

2. “You,” “Your” and “Drips Holdings” refers to any and all of its officers, directors, agents, employees, servants, representatives, and consultants.

3. “Lawsuit” refers to the civil action, *JOSEPH MANTHA, on behalf of himself and all others similarly situated v. QUOTEWIZARD.COM, LLC*, Civil Action No. 1:19-cv-12235-LTS, filed in the United States District Court for the District of Massachusetts, and includes all claims in that civil action.

4. “Complaint” refers to the Complaint that attorneys for the plaintiff filed to initiate the Lawsuit, and includes amended versions of the Complaint, if any are filed.

II. Instructions for Documents Requested

1. The following rules of construction apply to each of these document Requests:

- (a) The terms "all" and "each" shall be construed as "all and each";
- (b) The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery Request all responses that might otherwise be construed to be outside of its scope;
- (c) The use of the singular form of any word includes the plural and vice versa;
- (d) These Requests are to be construed broadly, and construction of their terms should be inclusive and in favor of providing an affirmative response.

2. If any portion of any of these Requests is objected to, the remaining non-objectionable portions are to be responded to fully and completely.

3. No document shall be withheld from discovery based on any claim or belief by you that any of the defendants already possess such document.

4. If an objection is made to producing any of the documents requested on the grounds of attorney/client privilege, work product protection, or on any other basis, and

such documents are withheld from production, please identify each such document so withheld by:

- (a) the author, originator, or addresser;
- (b) the addressees;
- (c) all recipients of copies;
- (d) the date the document was prepared;
- (e) the nature of the document (i.e., letter, note, report, memorandum, etc.);
- (f) the present custodian and location of the document; and
- (g) a statement of the factual and legal reason(s) that the document is being withheld from production.

5. If no documents exist that are responsive to a Request, please state that no documents exist.

6. A Request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures, or attachments to the document, in addition to the document itself.

7. These Requests are continuing in nature and require supplemental response and production.

8. None of the foregoing Definitions or Instructions are intended to waive any right to challenge any of your objections to the Requests.

9. You are required to produce and permit inspection and copying of every requested Document which is in Your possession, custody or control or which is in the possession, custody or control of Your agents, employees, attorneys, representatives, or any other persons or entities acting or purporting to act on Your behalf, without regard to whether or not their relationship with you currently exists or has been terminated.

10. You are required to produce pursuant to this Request the original of every requested Document and any copies that have been altered in any way or which contain on their face additional markings, comments or information. If the original of any Document is not available, you shall produce the most legible copy.

11. The Documents to be produced pursuant to this Request must either be produced as they are kept in the ordinary course or organized and labeled to correspond with the categories in this Request.

12. You are required, if you are unable to obtain any Document required to be produced pursuant to this Request because the Document is in the possession, custody or control of any other person or entity including, without limitation, any agent, employee, attorney, representative, or any other person or entity acting or purporting to act on your behalf, to state for each such Document: (i) the date of the Document; (ii) the name and address of each originator, (iii) the name and address of each recipient; (iv) a description of the subject matter of the Document; (v) the name and address of each person or entity who has possession, custody or control of the Document; (vi) a description of the efforts taken by you to obtain the Document; and (vii) the reasons, if any, given by the person or entity in possession, custody or control of the Document for not providing it to you.

13. If any Document sought by these Requests has been destroyed, and no copy exists within your possession, custody or control, you shall identify the Document and state the date of its destruction, and the reason for the destruction.

14. Where information responsive to the Requests below is in electronic form, or is stored on an electronic device, the Plaintiffs seek access to the electronic copies of responsive information (together with instructions and programs necessary to search or retrieve such data), including all attachments and enclosures to any responsive information, which shall not be separated from the items to which they are attached or enclosed. The Plaintiffs seek such electronic data even if non-electronic versions and/or printouts of such information exist and are produced.

III. Document Requests

Request No. 1: All comments made by consumers to Drips related to all Do Not Call Requests (as classified by Drips) made by consumers who received telemarketing texts from Drips on behalf of QuoteWizard. For further reference, please see the Orders of the U.S. District Court for the District of Massachusetts ordering production of these records in Drips's possession from QuoteWizard, dated January 11, 2021 (ECF No. 132) and February 24, 2021 (ECF No. 144). A copy of the docket with electronic Orders is attached hereto as Exhibit A.

EXHIBIT A

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:19-cv-12235-LTS**

Mantha v. Quotewizard.com, LLC
Assigned to: District Judge Leo T. Sorokin
Referred to: Magistrate Judge M. Page Kelley
Demand: \$5,000,000
related Case: [1:20-cv-11209-LTS](#)
Cause: 28:1331 Fed. Question

Date Filed: 10/29/2019
Jury Demand: Both
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Joseph Mantha
*on behalf of himself and others similarly
situated*

represented by **Anthony I. Paronich**
Paronich Law, P.C.
350 Lincoln Street, Suite 2400
Hingham, MA 02043
508-221-1510
Email: anthony@paronichlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew P. McCue
Law Office of Matthew P. McCue
One South Avenue, Third Floor
Natick, MA 01760
508-655-1415
Email: mmccue@massattorneys.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alex M. Washkowitz
CW Law Group, P.C.
188 Oaks Road
Framingham, MA 01702
508-309-4880
Fax: 508-597-7722
Email: alex@cwlawgroup.com
ATTORNEY TO BE NOTICED

Edward A. Broderick
The Law Office of Edward A. Broderick
208 Ridge Street
Winchester, MA 01890
617-738-7080
Fax: 617-357-5030
Email: ted@broderick-law.com
ATTORNEY TO BE NOTICED

Defendant**Quotewizard.com, LLC**represented by **Christine Kingston**

Nelson Mullins Riley & Scarborough LLP
 One Post Office Square
 30th Floor
 Boston, MA 02109
 617-217-4700
 Fax: 617-217-4710
 Email:
 christine.kingston@nelsonmullins.com
ATTORNEY TO BE NOTICED

Kevin P. Polansky

Nelson Mullins Riley & Scarborough LLP
 One Post Office Square
 30th Floor
 Boston, MA 02109
 617-217-4700
 Fax: 617-217-4710
 Email: kevin.polansky@nelsonmullins.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/29/2019	<u>1</u>	COMPLAINT against Quotewizard.com, LLC Filing fee: \$ 400, receipt number 0101-7946559 (Fee Status: Filing Fee paid), filed by Joseph Mantha. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit Civil Category Form)(Paronich, Anthony) (Entered: 10/29/2019)
10/30/2019	2	ELECTRONIC NOTICE of Case Assignment. District Judge Leo T. Sorokin assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge M. Page Kelley. (Finn, Mary) (Entered: 10/30/2019)
10/30/2019	<u>3</u>	Summons Issued as to Quotewizard.com, LLC. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Jones, Sherry) (Entered: 10/30/2019)
10/30/2019	4	Set Deadlines: Complete service due by 1/28/2020. (Montes, Mariliz) (Entered: 10/30/2019)
10/31/2019	<u>5</u>	NOTICE of Appearance by Alex M. Washkowitz on behalf of Joseph Mantha (Washkowitz, Alex) (Entered: 10/31/2019)
10/31/2019	<u>6</u>	NOTICE of Appearance by Edward A. Broderick on behalf of Joseph Mantha (Broderick, Edward) (Entered: 10/31/2019)
11/01/2019	<u>7</u>	SUMMONS Returned Executed Quotewizard.com, LLC served on 10/31/2019, answer due 11/21/2019. (Paronich, Anthony) (Entered: 11/01/2019)
11/08/2019	<u>8</u>	NOTICE of Appearance by Kevin P. Polansky on behalf of Quotewizard.com, LLC (Polansky, Kevin) (Entered: 11/08/2019)
11/08/2019	<u>9</u>	NOTICE of Appearance by Christine Kingston on behalf of Quotewizard.com, LLC

		(Kingston, Christine) (Entered: 11/08/2019)
11/08/2019	10	CORPORATE DISCLOSURE STATEMENT by Quotewizard.com, LLC. (Polansky, Kevin) (Entered: 11/08/2019)
11/08/2019	11	Assented to MOTION for Extension of Time to December 20, 2019 to File Its Responsive Pleading by Quotewizard.com, LLC.(Polansky, Kevin) (Entered: 11/08/2019)
11/12/2019	12	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 11 Motion for Extension of Time to 12/20/19 to file a responsive pleading. (Simeone, Maria) (Entered: 11/12/2019)
12/05/2019	13	NOTICE of Appearance by Matthew P. McCue on behalf of Joseph Mantha (McCue, Matthew) (Entered: 12/05/2019)
12/20/2019	14	MOTION to Strike <i>Defendant Quotewizard.com, LLC's Motion to Strike and Dismiss Plaintiff's Class Allegations</i> by Quotewizard.com, LLC.(Polansky, Kevin) (Entered: 12/20/2019)
12/20/2019	15	MEMORANDUM in Support re 14 MOTION to Strike <i>Defendant Quotewizard.com, LLC's Motion to Strike and Dismiss Plaintiff's Class Allegations</i> filed by Quotewizard.com, LLC. (Polansky, Kevin) (Entered: 12/20/2019)
12/20/2019	16	MOTION to Dismiss <i>Defendant Quotewizard.com, LLC's Motion to Dismiss Plaintiff's Complaint and/or Partial Motion for More Definite Statement</i> by Quotewizard.com, LLC.(Polansky, Kevin) (Entered: 12/20/2019)
12/20/2019	17	MEMORANDUM in Support re 16 MOTION to Dismiss <i>Defendant Quotewizard.com, LLC's Motion to Dismiss Plaintiff's Complaint and/or Partial Motion for More Definite Statement</i> filed by Quotewizard.com, LLC. (Polansky, Kevin) (Entered: 12/20/2019)
01/03/2020	18	MEMORANDUM in Opposition re 14 MOTION to Strike <i>Defendant Quotewizard.com, LLC's Motion to Strike and Dismiss Plaintiff's Class Allegations</i> filed by Joseph Mantha. (McCue, Matthew) (Entered: 01/03/2020)
01/03/2020	19	MEMORANDUM in Opposition re 16 MOTION to Dismiss <i>Defendant Quotewizard.com, LLC's Motion to Dismiss Plaintiff's Complaint and/or Partial Motion for More Definite Statement</i> filed by Joseph Mantha. (McCue, Matthew) (Entered: 01/03/2020)
01/10/2020	20	Assented to MOTION for Leave to File <i>a Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss the Complaint and/or Motion for a More Definite Statement</i> by Quotewizard.com, LLC.(Kingston, Christine) (Entered: 01/10/2020)
01/10/2020	21	Assented to MOTION for Leave to File <i>a Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss and Strike the Putative Class Allegations</i> by Quotewizard.com, LLC. (Kingston, Christine) (Entered: 01/10/2020)
01/10/2020	22	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 20 Defendant's Assented-To Motion for Leave to File Reply to 19 Plaintiff's Opposition to 16 Motion to Dismiss. Reply due by 1/17/2020 ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Montes, Mariliz) (Entered: 01/10/2020)
01/10/2020	23	Set Deadlines as to 16 MOTION to Dismiss <i>Defendant Quotewizard.com, LLC's Motion to Dismiss Plaintiff's Complaint and/or Partial Motion for More Definite Statement</i> . Replies due by 1/17/2020. (Montes, Mariliz) (Entered: 01/10/2020)
01/13/2020	24	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered.

		<p>Allowed. Limited to 5 pages.</p> <p>granting 21 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Simeone, Maria) (Entered: 01/13/2020)</p>
01/17/2020	25	REPLY to Response to 16 MOTION to Dismiss <i>Defendant Quotewizard.com, LLC's Motion to Dismiss Plaintiff's Complaint and/or Partial Motion for More Definite Statement</i> filed by Quotewizard.com, LLC. (Polansky, Kevin) (Entered: 01/17/2020)
01/17/2020	26	REPLY to Response to 14 MOTION to Strike <i>Defendant Quotewizard.com, LLC's Motion to Strike and Dismiss Plaintiff's Class Allegations</i> filed by Quotewizard.com, LLC. (Kingston, Christine) (Entered: 01/17/2020)
01/21/2020	27	MOTION for Discovery by Joseph Mantha. (Attachments: # 1 Exhibit Rule 11 Letter, # 2 Exhibit Declaration of Joe Mantha, # 3 Exhibit Correspondence Between Counsel, # 4 Exhibit Order in Perrong v. Sperian, # 5 Exhibit DOJ Record Retention Chart, # 6 Exhibit Draft Order)(McCue, Matthew) (Attachment 6 replaced on 1/21/2020) (Montes, Mariliz). Modified on 1/21/2020 to replace Exhibit 6 with corrected document, provided by counsel (Montes, Mariliz). (Entered: 01/21/2020)
02/03/2020	28	Assented to Notice of Supplemental Authorities re 16 MOTION to Dismiss <i>Defendant Quotewizard.com, LLC's Motion to Dismiss Plaintiff's Complaint and/or Partial Motion for More Definite Statement</i> , 14 MOTION to Strike <i>Defendant Quotewizard.com, LLC's Motion to Strike and Dismiss Plaintiff's Class Allegations</i> (Attachments: # 1 Exhibit Rosenberg v. LoanDepot.com)(McCue, Matthew) (Entered: 02/03/2020)
02/04/2020	29	Opposition re 27 MOTION for Discovery <i>Defendant's Opposition to Plaintiff's Motion for Premature and Otherwise Improper Class-Wide Discovery</i> filed by Quotewizard.com, LLC. (Attachments: # 1 Exhibit 1/January 14, 2020 E-mail)(Kingston, Christine) (Entered: 02/04/2020)
03/16/2020	30	<p>District Judge Leo T. Sorokin: ORDER entered.</p> <p>Accordingly, the Motion to Dismiss (Doc. No. 16) is ALLOWED IN PART by dismissing Count I and DENIED as to Count II. The Motion to Strike (Doc. No. 14) is DENIED WITHOUT PREJUDICE. QuoteWizard may renew its objections to the definitions of the class, as well as its assertion that the Court lacks personal jurisdiction over non-Massachusetts class members, at the appropriate time; presently, resolution of those issues is premature. Finally, Mantha's Motion to Commence Discovery (Doc. No. 27) is DENIED WITHOUT PREJUDICE. However, the parties shall (1) confer regarding the preservation of records relating to "the identification of all parties involved in the text campaigns at issue" in this case, "records of the text [messages] to [putative] class members," and documents that may relate to QuoteWizard's affirmative defense of consent," Doc. No. 27 at 5, and (2) file a joint status report within fourteen days reflecting their joint or separate positions regarding preservation. The Clerk shall schedule a Rule 16 conference.</p> <p>denying 14 Motion to Strike ; granting in part and denying in part 16 Motion to Dismiss; denying 27 Motion for Discovery (Montes, Mariliz) (Entered: 03/17/2020)</p>
03/17/2020	31	NOTICE of Scheduling Conference, A Scheduling Conference set for 4/7/2020 at 10:15 AM in Courtroom 13 before District Judge Leo T. Sorokin. Counsel shall appear by telephone by calling into the Court's line: 1-866-434-5269, access code 7576465.

		(Attachments: # 1 scheduling order sample, # 2 standing order for motions for summary judgment)(Montes, Mariliz) (Entered: 03/17/2020)
03/23/2020	32	ANSWER to 1 Complaint by Quotewizard.com, LLC.(Polansky, Kevin) (Entered: 03/23/2020)
03/30/2020	33	JOINT STATEMENT of counsel <i>Concerning Preservation of Information and Documents</i> . (McCue, Matthew) (Entered: 03/30/2020)
03/31/2020	34	CERTIFICATION pursuant to Local Rule 16.1 <i>and Plaintiff's Proposed Scheduling Order</i> by Joseph Mantha.(McCue, Matthew) (Entered: 03/31/2020)
03/31/2020	35	CERTIFICATION pursuant to Local Rule 16.1 <i>as to settlement, ADR and costs</i> by Joseph Mantha.(McCue, Matthew) (Entered: 03/31/2020)
04/01/2020	36	STATEMENT OF COUNSEL of Defendant <i>Pursuant to L.R. 16.1(d)</i> by Quotewizard.com, LLC. (Polansky, Kevin) (Entered: 04/01/2020)
04/01/2020	37	CERTIFICATION pursuant to Local Rule 16.1 . (Polansky, Kevin) (Entered: 04/01/2020)
04/02/2020	38	NOTICE: The scheduling conference set for 4/7/20 at 10:15AM will proceed via Zoom Video conference. A link to the conference will be provided. re 36 Statement of counsel, 31 Notice of Scheduling Conference, (Simeone, Maria) (Additional attachment(s) added on 4/2/2020: # 1 Sample-Scheduling Order, # 2 Standing Order-Motions for Summary Judgment) (Montes, Mariliz). NEF Regenerated Modified on 4/2/2020 (Montes, Mariliz). (Entered: 04/02/2020)
04/07/2020	39	Electronic Clerk's Notes for proceedings held before District Judge Leo T. Sorokin: Scheduling Conference held on 4/7/2020. The court hears counsel on discovery regarding consent allegedly obtained fraudulently and the oral motion to amend the complaint. The court will take that issue under advisement and sets the following schedule: Initial Disclosures by 4/15/20. Fact Discovery by 6/30/20. Defendants Summary judgment on the consent issue by 7/31/20, limited to 20 pages. Opposition/cross motion due by 8/31/20, limited to 20 pages. Reply/Opposition by 9/22/20, limited to 7 pages. Sur-reply by 9/28/20, limited to 5 pages. Any motions to compel arising out of this discovery are due 7/7/20. Counsel shall file a joint status report regarding any motion to compel filed stating each others joint and separate position as to the dispute. (Discovery to be completed by 6/30/2020) (Motions due by 7/31/2020) (Responses due by 8/31/2020) (Replies due by 9/22/2020) (Sur-replies due by 9/29/2020.). (Court Reporter: Rachel Lopez at raeufp@gmail.com.) (Simeone, Maria) (Entered: 04/07/2020)
04/28/2020	40	Assented to MOTION for Order to Compel Verizon to Identify Owner of an IP Address by Joseph Mantha. (Attachments: # 1 Exhibit 1 -- Verizon Subpoena Response, # 2 Exhibit 2 -- Proposed Order)(Paronich, Anthony) (Entered: 04/28/2020)

04/29/2020	41	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 40 Plaintiff's Unopposed Motion to Compel Verizon Wireless to Identify Owner of An IP Address. (Montes, Mariliz) (Entered: 04/29/2020)
04/29/2020	42	District Judge Leo T. Sorokin: ENDORSED ORDER entered. For the reasons set forth in the Plaintiff's Motion to Compel, Verizon is hereby ORDERED to identify the individual or entity assigned IP address 96.242.132.28 on August 5,2019. (Montes, Mariliz) (Entered: 04/29/2020)
05/08/2020	43	STATUS REPORT <i>Joint Status Report Concerning Dispute Over Rule 45 Subpoenas</i> by Quotewizard.com, LLC. (Attachments: # 1 Exhibit A/3 subpoenas and attached schedules, # 2 Exhibit B/QuoteWizard's initial objections, # 3 Exhibit C/e-mail communications between Parties, # 4 Exhibit D/QuoteWizard's latest objections, # 5 Exhibit E/QuoteWizard's proof of consent)(Polansky, Kevin) (Entered: 05/08/2020)
05/20/2020	44	District Judge Leo T. Sorokin: ORDER entered. ORDER ON PENDING DISCOVERY DISPUTES (DOC. NO. 43). (Montes, Mariliz) (Entered: 05/20/2020)
06/07/2020	45	MOTION to Amend 1 Complaint by Joseph Mantha.(McCue, Matthew) (Entered: 06/07/2020)
06/07/2020	46	MEMORANDUM in Support re 45 MOTION to Amend 1 Complaint filed by Joseph Mantha. (Attachments: # 1 Exhibit Draft Amended Complaint)(McCue, Matthew) (Entered: 06/07/2020)
06/08/2020	47	Transcript of Scheduling Conference - Video Conference held on April 7, 2020, before Judge Leo T. Sorokin. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Rachel Lopez at raeufp@gmail.com Redaction Request due 6/29/2020. Redacted Transcript Deadline set for 7/9/2020. Release of Transcript Restriction set for 9/8/2020. (Scalfani, Deborah) (Entered: 06/08/2020)
06/08/2020	48	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 06/08/2020)
06/08/2020	49	Assented to MOTION to Compel <i>Verizon Wireless to Identify Owner of an IP Address</i> by Joseph Mantha. (Attachments: # 1 Exhibit Verizon Subpoena Response, # 2 Text of Proposed Order)(Paronich, Anthony) (Entered: 06/08/2020)
06/09/2020	50	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 49 Assented to MOTION to Compel Verizon Wireless to Identify Owner of an IP Address. (Montes, Mariliz) (Entered: 06/09/2020)
06/11/2020	51	STATUS REPORT <i>Joint Status Report Concerning Dispute Over Non-Party Rule 45 Subpoena</i> by Quotewizard.com, LLC. (Attachments: # 1 Exhibit A/QuoteWizard's Initial Disclosures, # 2 Exhibit B/Copies of text messages, # 3 Exhibit C/Drips Holding Subpoena, # 4 Exhibit D/QuoteWizard's discovery Dispute letter to Plaintiff, # 5 Exhibit E/Email exchange concerning subpoena, # 6 Exhibit F/Transcript from Case Management Conference)(Polansky, Kevin) (Entered: 06/11/2020)
06/11/2020	52	STATUS REPORT <i>As to The Scope of Discovery Determined By Court at Case Management Conference</i> by Joseph Mantha. (Attachments: # 1 Exhibit Transcript of

		CMC Hearing, # 2 Exhibit QuoteWizard Discovery Requests, # 3 Exhibit Plaintiff's Discovery Responses, # 4 Exhibit Portions of subpoena responses, # 5 Exhibit Subpoena to Drips)(McCue, Matthew) (Entered: 06/11/2020)
06/11/2020	53	STATUS REPORT <i>Joint Status Report Concerning Dispute Over Plaintiff's Discovery Responses</i> by Quotewizard.com, LLC. (Attachments: # 1 Exhibit A/QuoteWizard's First Set of Ints, # 2 Exhibit B/Plaintiff's response, # 3 Exhibit C/QuoteWizard's discovery dispute letter to Plaintiff, # 4 Exhibit D/Email exchange, # 5 Exhibit E/Plaintiff's subpoena to Drips Holding, # 6 Exhibit F/Transcript of CMC Conference, # 7 Exhibit G/QuoteWizard Opt In, # 8 Exhibit H/QuoteWizard's Answers to Ints, # 9 Exhibit I/Plural Opt In, # 10 Exhibit J/Screen shots, # 11 Exhibit K/Email with counsel for Plural, # 12 Exhibit L/copy of unpublished decision)(Polansky, Kevin) (Entered: 06/11/2020)
06/12/2020	54	MOTION for Extension of Time to Extend Scheduling Order Deadlines by Thirty Days by Quotewizard.com, LLC.(Polansky, Kevin) Modified on 6/24/2020 (Simeone, Maria). (Entered: 06/12/2020)
06/12/2020	55	Opposition re 54 MOTION for Extension of Time to Extend Scheduling Order Deadlines by Thirty Days filed by Joseph Mantha. (Attachments: # 1 Exhibit Transcript of CMC, # 2 Exhibit QuoteWizard Opt In, # 3 Exhibit Plaintiff's Answers to Interrogatories, # 4 Exhibit QuoteWizard Answers to Interrogatories, # 5 Exhibit Plural Opt In, # 6 Exhibit Plural Screen Shot, # 7 Exhibit Plural Email As To Adam Brown)(McCue, Matthew) (Entered: 06/12/2020)
06/12/2020	56	MOTION for Extension of Time to Extend Scheduling Order Deadlines by Thirty Days by Quotewizard.com, LLC.(Polansky, Kevin) (Entered: 06/12/2020)
06/15/2020	57	Assented to MOTION to Compel <i>Verizon to Identify Owner of an IP Address</i> by Joseph Mantha. (Attachments: # 1 Exhibit 1 -- Compliance Letter from Verizon Following Subpoena, # 2 Exhibit 2 -- Compliance Letter from Verizon Following Prior Motion, # 3 Text of Proposed Order)(Paronich, Anthony) (Entered: 06/15/2020)
06/16/2020	58	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 57 Plaintiff's Motion to Compel Verizon to Identify Owner of an IP Address (Montes, Mariliz) (Entered: 06/16/2020)
06/16/2020	59	District Judge Leo T. Sorokin: ENDORSED ORDER entered. For the reasons set forth in the Plaintiff's Motion to Compel, Verizon is hereby ORDERED to identify the individual or entity assigned IP address 96.242.132.28 on June 26, 2019. SO ORDERED.(Montes, Mariliz) (Entered: 06/16/2020)
06/16/2020	60	MEMORANDUM in Opposition re 56 MOTION for Extension of Time to Extend Scheduling Order Deadlines by Thirty Days filed by Joseph Mantha. (Attachments: # 1 Exhibit Transcript of Case Management Conference, # 2 Exhibit QuoteWizard Opt In, # 3 Exhibit Plaintiff's Answer to Interrogatories, # 4 Exhibit Defendant's Interrogatory Answers, # 5 Exhibit Plural Opt In, # 6 Exhibit Plural Opt In as to Adam Brown)(McCue, Matthew) (Entered: 06/16/2020)
06/19/2020	61	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered. The Motion to Extend (#56) is ALLOWED. re 56 Motion for Extension of Time to Extend Scheduling Order Deadlines by Thirty Days. (Simeone, Maria) Modified on 6/19/2020 (Simeone, Maria). (Entered: 06/19/2020)

06/19/2020	62	Reset Deadlines: Fact Discovery to be completed by 7/30/2020. Summary Judgment Motions due by 8/31/2020. Oppositions by 9/30/2020. Replies due by 10/22/2020. Sur-replies due by 10/28/2020. (Simeone, Maria) (Entered: 06/19/2020)
06/22/2020	63	Opposition re 45 MOTION to Amend 1 Complaint <i>Defendant's Opposition to Plaintiff's Motion to Amend to Re-Plead a Dismissed Claim</i> filed by Quotewizard.com, LLC. (Polansky, Kevin) (Entered: 06/22/2020)
06/23/2020	64	Assented to MOTION to Compel <i>Defendants Assented-To Motion to Compel Subpoena Response of Non-Party to Disclose Identity of User of IP Address</i> by Quotewizard.com, LLC. (Attachments: # 1 Exhibit June 15, 2020 letter, # 2 Text of Proposed Order) (Polansky, Kevin) (Entered: 06/23/2020)
06/23/2020	65	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 64 Defendant's Assented-To Motion to Compel Subpoena Response of Non-Party to Disclose Identity of User of IP Address (Montes, Mariliz) (Entered: 06/23/2020)
06/23/2020	66	District Judge Leo T. Sorokin: ENDORSED ORDER entered. re 64 Assented to MOTION to Compel <i>Defendants Assented-To Motion to Compel Subpoena Response of Non-Party to Disclose Identity of User of IP Address</i> filed by Quotewizard.com, LLC (Montes, Mariliz) (Entered: 06/23/2020)
07/02/2020	67	MOTION for Leave to File a <i>Supplemental Memorandum in Support of its Opposition to Plaintiff's Motion to Amend Based on New Authority</i> by Quotewizard.com, LLC. (Attachments: # 1 Supplement Supplemental Memorandum, # 2 Exhibit FCC Declaratory Ruling)(Kingston, Christine) (Entered: 07/02/2020)
07/06/2020	68	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 67 MOTION for Leave to File a Supplemental Memorandum in Support of its Opposition to Plaintiff's Motion to Amend Based on New Authority by Quotewizard.com, LLC. ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Halley, Taylor) (Entered: 07/06/2020)
07/06/2020	69	Supplemental MEMORANDUM in Opposition re 45 MOTION to Amend 1 Complaint <i>Defendants Supplemental Memorandum in Further Support of its Opposition to Plaintiffs Motion to Amend to Re Plead a Dismissed Claim</i> filed by Quotewizard.com, LLC. (Kingston, Christine) (Additional attachment(s) added on 7/7/2020: # 1 Exhibit) (Montes, Mariliz). Modified on 7/7/2020 to add exhibit provided by counsel. NEF Regenerated. (Montes, Mariliz). (Entered: 07/06/2020)
07/07/2020	70	STATUS REPORT <i>Joint Status Report Concerning Dispute Over Plaintiff's Second and Third Sets of Discovery Responses</i> by Quotewizard.com, LLC. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D)(Kingston, Christine) (Entered: 07/07/2020)
07/22/2020	71	Second MOTION for Extension of Time to by Thirty Days to Extend Scheduling Order by Quotewizard.com, LLC.(Kingston, Christine) (Entered: 07/22/2020)
07/23/2020	72	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered. Any opposition to this Motion is due by cob Monday July 27, 2020 re 71 Second MOTION for Extension of Time to by Thirty Days to Extend Scheduling Order filed by Quotewizard.com, LLC.

		(Responses due by 7/27/2020)(Simeone, Maria) (Entered: 07/23/2020)
07/27/2020	73	MEMORANDUM in Opposition re 71 Second MOTION for Extension of Time to by Thirty Days to Extend Scheduling Order filed by Joseph Mantha. (Attachments: # 1 Exhibit QuoteWizard Opt In, # 2 Exhibit Declaration of Counsel, # 3 Exhibit Plural Opt In)(McCue, Matthew) (Entered: 07/27/2020)
07/29/2020	74	MOTION for Leave to File <i>a Reply to Plaintiff's Opposition to Defendant's Second Motion to Extend Scheduling Order Deadlines by Thirty Days</i> by Quotewizard.com, LLC. (Attachments: # 1 Defendant's Reply to Plaintiff's Opposition to its Second Motion to Extend Scheduling Order Deadlines by Thirty Days)(Kingston, Christine) (Entered: 07/29/2020)
07/30/2020	75	District Judge Leo T. Sorokin. ORDER ON PENDING MOTIONS AND DISCOVERY DISPUTES (DOC. NOS. 45, 51-53, 70, 74) entered. For the foregoing reasons, Plaintiff's motion to amend the Complaint (Doc. No. 45) is ALLOWED; The motion to extend the scheduling order (Doc. No. 71) is ALLOWED with the fact discovery period in Phase I extended to September 15, 2020. Defendant's motion for leave to file a reply (Doc. No. 74) is ALLOWED; The parties' various discovery disputes (Doc. Nos. 51-53, 70) are resolved as ordered above; and the case is referred to Chief Magistrate Judge M. Page Kelley for all purposes. re 74 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Simeone, Maria) (Entered: 07/30/2020)
07/30/2020	76	District Judge Leo T. Sorokin: ORDER entered REFERRING CASE to Magistrate Judge M. Page Kelley Referred for: Full Pretrial, Dispositive Motions (ptd). (Simeone, Maria) (Entered: 07/30/2020)
07/30/2020	77	Reset Deadlines: Discovery to be completed by 9/15/2020 (Simeone, Maria) (Entered: 07/30/2020)
07/30/2020	78	MOTION to Compel by Joseph Mantha. (Attachments: # 1 Exhibit Litigation Letter to QuoteWizard, # 2 Exhibit Rule 11 Letter from Defense Counsel, # 3 Exhibit QuoteWizard Privilege Log, # 4 Exhibit Email from QuoteWizard Counsel)(McCue, Matthew) (Entered: 07/30/2020)
08/03/2020	79	RESPONSE to Motion re 78 MOTION to Compel <i>and Request to Strike the Same</i> filed by Quotewizard.com, LLC. (Attachments: # 1 Exhibit A)(Kingston, Christine) (Entered: 08/03/2020)
08/04/2020	80	AMENDED COMPLAINT against Quotewizard.com, LLC filed by Joseph Mantha. (McCue, Matthew) Modified on 8/4/2020 (Montes, Mariliz). (Entered: 08/04/2020)
08/05/2020	81	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered. The parties are ordered to meet and confer to try to resolve or narrow the issues raised in plaintiff's motion to compel 78 . The parties shall file a joint status report regarding the outcome of their negotiations on or before the close of business on August 17, 2020.(MacDougall, Patricia) (Entered: 08/05/2020)
08/11/2020	82	MOTION for Sanctions <i>Defendant's Motion to Enforce an Order of the Court and for Sanctions</i> by Quotewizard.com, LLC.(Kingston, Christine) (Entered: 08/11/2020)

08/11/2020	83	MEMORANDUM in Support re 82 MOTION for Sanctions <i>Defendant's Motion to Enforce an Order of the Court and for Sanctions</i> filed by Quotewizard.com, LLC. (Attachments: # 1 Exhibit 1)(Kingston, Christine) (Entered: 08/11/2020)
08/17/2020	84	STATUS REPORT <i>as to Plaintiff's Motion to Plaintiff's Motion to Compel [ECF 78] as Ordered by the Court [ECF 81] (JOINT)</i> by Joseph Mantha. (Broderick, Edward) (Entered: 08/17/2020)
08/18/2020	85	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered finding as moot 78 Plaintiff's Motion to Compel, the parties reporting that the dispute has been resolved 84 . (MacDougall, Patricia) (Entered: 08/18/2020)
08/18/2020	86	MOTION to Stay re 80 Amended Complaint <i>Defendant's Motion to Stay Plaintiff's Claim Regarding Use of Alleged Automatic Telephonic Dialing System During Pendency of U.S. Supreme Court Case to Resolve Definition of the Same</i> by Quotewizard.com, LLC. (Kingston, Christine) (Entered: 08/18/2020)
08/18/2020	87	MEMORANDUM in Support re 86 MOTION to Stay re 80 Amended Complaint <i>Defendant's Motion to Stay Plaintiff's Claim Regarding Use of Alleged Automatic Telephonic Dialing System During Pendency of U.S. Supreme Court Case to Resolve Definition of the Same</i> filed by Quotewizard.com, LLC. (Attachments: # 1 Exhibit A) (Kingston, Christine) (Entered: 08/18/2020)
08/18/2020	88	Proposed Document(s) submitted by Quotewizard.com, LLC. Document received: Proposed Order - Defendant's Motion to Stay Plaintiff's Claim Regarding Use of Alleged Automatic Telephone Dialing System During Pendency of U.S. Supreme Court Case to Resolve Definition of the Same. (Kingston, Christine) (Entered: 08/18/2020)
08/18/2020	89	ANSWER to 80 Amended Complaint <i>Defendant's Answer to Count 2 of Plaintiff's First Amended Complaint</i> by Quotewizard.com, LLC.(Polansky, Kevin) (Entered: 08/18/2020)
08/24/2020	90	Opposition re 82 MOTION for Sanctions <i>Defendant's Motion to Enforce an Order of the Court and for Sanctions</i> filed by Joseph Mantha. (Attachments: # 1 Exhibit Rule 11 Letter, # 2 Exhibit Plaintiff's Answers to Defendant's First Set of Interrogatories as Supplemented)(Broderick, Edward) (Entered: 08/24/2020)
08/27/2020	91	Opposition re 86 MOTION to Stay re 80 Amended Complaint <i>Defendant's Motion to Stay Plaintiff's Claim Regarding Use of Alleged Automatic Telephonic Dialing System During Pendency of U.S. Supreme Court Case to Resolve Definition of the Same</i> filed by Joseph Mantha. (Attachments: # 1 Exhibit 1 -- DOJ's Chart of Telecommunication Retention Policies)(Paronich, Anthony) (Entered: 08/27/2020)
08/28/2020	92	MOTION for Leave to File a Reply to Plaintiff's Opposition to its Motion to Enforce ECF No. 75 and for Sanctions by Quotewizard.com, LLC. (Attachments: # 1 Exhibit Proposed Reply to Plaintiff's Opposition to Motion to Enforce ECF No. 75 and for Sanctions) (Kingston, Christine) (Entered: 08/28/2020)
08/31/2020	93	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting 92 Motion for Leave to File a Reply; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (MacDougall, Patricia) (Entered: 08/31/2020)
08/31/2020	94	REPLY to Response to 82 MOTION for Sanctions <i>Defendant's Motion to Enforce an Order of the Court and for Sanctions</i> filed by Quotewizard.com, LLC. (Attachments: # 1 Exhibit Plaintiff's Response and Supplemental Response to Defendant's Request for Production of Documents)(Kingston, Christine) (Entered: 08/31/2020)

09/04/2020	95	MOTION for Leave to File <i>A Reply to Plaintiff's Opposition to its Motion for a Stay of Count I</i> by Quotewizard.com, LLC. (Attachments: # 1 Defendant's Reply to Plaintiff's Opposition to its Motion to Stay)(Kingston, Christine) (Entered: 09/04/2020)
09/04/2020	96	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting 95 Defendant's Motion for Leave to File a Reply; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (MacDougall, Patricia) (Entered: 09/04/2020)
09/08/2020	97	REPLY to Response to 86 MOTION to Stay re 80 Amended Complaint <i>Defendant's Motion to Stay Plaintiff's Claim Regarding Use of Alleged Automatic Telephonic Dialing System During Pendency of U.S. Supreme Court Case to Resolve Definition of the Same</i> Defendant's Reply to Plaintiff's Opposition to its Motion to Stay Count I filed by Quotewizard.com, LLC. (Kingston, Christine) (Entered: 09/08/2020)
09/15/2020	98	Joint MOTION for Extension of Time to November 13, 2020 to Complete Discovery <i>Phase I Discovery by Sixty Days</i> by Quotewizard.com, LLC.(Kingston, Christine) (Entered: 09/15/2020)
09/16/2020	99	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting 98 Joint MOTION for Extension of Time to November 13, 2020 to Complete Phase I Discovery. (Belmont, Kellyann) (Entered: 09/16/2020)
09/17/2020	100	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered. Defendant's motion to enforce an order of the court and for sanctions, # 82 , is denied. Defendant misconstrues Judge Sorokin's order, dated July 30, 2020, docket no. 75 . In that order, Judge Sorokin denied defendant's request that plaintiff produce his devices for inspection, and ordered that plaintiff must allow defendant to inspect the devices only if plaintiff is going to rely on an expert who evaluated the devices. (# 75 at 7.) Plaintiff is not going to rely on an expert who evaluated the devices, so he does not have to produce them for inspection. (# 90 at 2.) Judge Sorokin further ordered that defendant may seek discovery from the devices, and plaintiff could not withhold "information or documents extracted from any of his devices in the course of this case unless protected by privilege." (# 75 at 7.) Defendant requested browser and search history from the devices, and plaintiff's response is that he does not have anything to provide. (# 90 at 2.) Thus, plaintiff is not withholding any information or documents. (Belmont, Kellyann) (Entered: 09/17/2020)
09/18/2020	101	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered. Defendant's motion to stay Count I of the amended complaint, regarding the use of an alleged automatic telephone dialing system, during the pendency of a case now before the United States Supreme Court, <i>Facebook, Inc. v. Noah Duguid</i> , No. 19-511, # 86 , is denied. The decision in <i>Duguid</i> will not end the litigation here, but potentially will affect only one claim. <i>See Rosenberg v. LoanDepot.com LLC</i> , 435 F. Supp. 3d 308, 317 (D. Mass. 2020) ("The fact that plaintiff has also asserted two separate theories of liability further weighs against staying the case.") Conducting discovery on one claim while waiting for the decision in <i>Duguid</i> , and then beginning discovery again after the decision some time in 2021, would be inefficient. In addition, the court credits plaintiff's concerns regarding the risk that if the case is stayed, evidence will be lost. (# 91 at 5). In short, defendant has not met its burden to establish the need for the stay and to make a clear case of the hardship entailed in going forward. <i>Clinton v. Jones</i> , 520 U.S. 681, 708 (1997). The court notes that Judge Zobel denied a stay in a matter earlier this month in a case that similarly concerned two claims in a TCPA lawsuit, just as this case does, <i>Tiefenthaler v. Target Corporation</i> , 19-cv-12412-RWZ, ECF No. 29 (August 18, 2020). (Belmont, Kellyann) (Entered: 09/18/2020)

09/24/2020	102	Objection to 101 Order on Motion to Stay,,,,, by Quotewizard.com, LLC . (Kingston, Christine) (Entered: 09/24/2020)
09/24/2020	103	Objection to 100 Order on Motion for Sanctions,,,,, by Quotewizard.com, LLC . (Attachments: # 1 Exhibit 1 - Deposition Transcript)(Kingston, Christine) (Entered: 09/24/2020)
09/30/2020	104	STATUS REPORT <i>Joint as to Plaintiff's Motion to Compel Production of Documents from QuoteWizard</i> by Joseph Mantha. (Attachments: # 1 Exhibit QuoteWizard Response to Plaintiff's Second Request for Production of Documents, # 2 Exhibit QuoteWizard Original Privilege Log, # 3 Exhibit QuoteWizard's Amended Privilege Log, # 4 Exhibit Correspondence Between QuoteWizard and RevPoint, # 5 Exhibit QuoteWizard's 30b6 Depo Transcript, # 6 Exhibit RevPoint Depo Transcript, # 7 Exhibit Subpoena to Drips, # 8 Exhibit RevPoint Supplemental Subpoena Response)(McCue, Matthew) (Entered: 09/30/2020)
10/02/2020	105	<p>ELECTRONIC NOTICE of Hearing. Hearing re: # 103 Joint status report set for 10/13/2020 10:00 AM by video before Magistrate Judge M. Page Kelley.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>(Belmont, Kellyann) (Entered: 10/02/2020)</p>
10/05/2020	106	Response by Joseph Mantha to 102 Objection . (Paronich, Anthony) (Entered: 10/05/2020)
10/08/2020	107	MEMORANDUM OF LAW by Joseph Mantha to 103 Objection. (Attachments: # 1 Exhibit Rule 11 Letter, # 2 Exhibit Deposition of Michael Fishman, # 3 Exhibit Deposition of George Rios, # 4 Exhibit Deposition of Adam Brown, # 5 Exhibit Deposition of Justin Cohen, # 6 Exhibit Deposition of Matthew Weeks, # 7 Exhibit Plaintiff's Answers to Defendant's First Set of Interrogatories as Supplemented) (Broderick, Edward) (Entered: 10/08/2020)
10/09/2020	108	<p>District Judge Leo T. Sorokin: ELECTRONIC ORDER entered.</p> <p>Quotewizard.com, LLC has filed an Objection (Doc. No. 102) to Chief Magistrate Judge Kelley's Order (Doc. No. 101) denying Quotewizard.com, LLC's Motion to Stay (Doc. No. 86). After consideration under the Federal Rule of Civil Procedure 72(a) standard, the objection is OVERRULED.(Montes, Mariliz) (Entered: 10/09/2020)</p>
10/09/2020	109	<p>District Judge Leo T. Sorokin: ELECTRONIC ORDER entered.</p> <p>Quotewizard.com, LLC has filed an Objection (Doc. No. 103) to Chief Magistrate Judge Kelley's Order (Doc. No. 100) denying Quotewizard.com, LLC's Motion for Sanctions (Doc. No. 82). While the Order concisely resolved a myriad of issues, Quotewizard.com, LLC objects to only one aspect the ruling that Mantha was not withholding information</p>

		<p>or documents from his browser or search history. Prior to the referral, the Court ruled that "information or documents extracted from any of [Mantha's] devices in the course of this case" was discoverable unless otherwise privileged. Doc. No. 75 at 7. By this ruling, the Court clarified that while Mantha had no obligation to search backups of his devices for electronic information, id., he did have to review the data extracted by his now discharged expert in the course of responding to discovery requests. Based on the record on the Objection, the Court concludes Mantha did not search the extracted data. Thus, the Court supplements Chief Magistrate Judge Kelleys ruling by ordering (1) Mantha to search the extracted data and supplement his responses either with additional discovery or by noting there are no further responsive documents after a search of the extracted data and (2) that the extracted data falls within information in the possession, custody, or control of the Mantha for discovery purposes. Mantha shall supplement his responses by 10/23/2020. The objection is SUSTAINED as set forth herein and OTHERWISE DENIED. Set Deadlines : Mantha's supplemental response due by 10/23/2020)(Montes, Mariliz) (Entered: 10/09/2020)</p>
10/13/2020	110	<p>ELECTRONIC NOTICE Cancelling Hearing. The hearing set for 10/13/2020 in front of Magistrate Judge Kelley is cancelled and will be rescheduled. (Belmont, Kellyann) (Entered: 10/13/2020)</p>
10/13/2020	111	<p>ELECTRONIC NOTICE of Hearing. Hearing reset for 10/19/2020 11:00 AM before Magistrate Judge M. Page Kelley.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>(Belmont, Kellyann) (Entered: 10/13/2020)</p>
10/19/2020	112	<p>Electronic Clerk's Notes for proceedings held before Magistrate Judge M. Page Kelley: Hearing held on 10/19/2020 by video. Regarding # 104 , joint report regarding parties further discovery disputes, the court hears argument from the parties and then rules as follows. Concerning Request for Production of Documents (RPD) #5: defendant shall produce contracts between QuoteWizard and any insurance companies to whom QuoteWizard could have sold Mr. Mantha's lead. Concerning RPD #16, defendant shall produce any emails between QuoteWizard and RevPoint relating to any consumer telemarketing complaints that could possibly be related to the consumers' consent. It is not necessary that the complaints explicitly reference consent. Concerning RPD #17, defendant shall produce all documents evidencing any complaints received by the QuoteWizard from anyone, including any governmental agency, regarding text messages sent by QuoteWizard or on QuoteWizard's behalf using Drips technology. Concerning RPD #18, after receipt of the documents from RPD #17, the parties shall further negotiate what documents shall be produced concerning QuoteWizard's investigation of and response to any complaints. Concerning RPD ##19, 20, 21, and 22, these requests are denied without prejudice. Concerning RPD ##23 and 24, defendant shall produce documents sufficient to identify any TCPA litigation relating to QuoteWizard. Concerning RPD #25, defendant shall produce all "Do Not Call" requests relating to</p>

		telemarketing conducted on behalf of QuoteWizard by Drips. RPD #26 is denied without prejudice. Concerning RPD #31, defendant shall produce the privilege log with identifying information of all participants in the communications, all communications, and all attachments, to the court for ex parte review no later than October 26, 2020. Defendant shall identify which documents have been produced to plaintiff. Defendant shall alert Courtroom Clerk Kellyann Belmont by email when the documents are delivered to the courthouse. Concerning RPD #35, defendant shall identify how many instances there have been in which QuoteWizard obtained an IP address in an attempt to establish the consent of a person to receiving communications from or on behalf of QuoteWizard. RPD #36 is denied without prejudice. (Court Reporter: Rachel Lopez at raeufp@gmail.com.)(Attorneys present: Matthew P. McCue for plaintiff and Christine Kingston for defendant) (Belmont, Kellyann) (Entered: 10/19/2020)
10/19/2020	113	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered. The discovery ordered by the court in connection with docket entry #104 shall be produced by defendant no later than November 9. The court is aware that phase I discovery is set to close on November 13, 2020. If, after receiving the discovery, plaintiff requires additional time to review it and respond before November 13, he may file a motion requesting additional time and the court will extend the discovery deadline by a reasonable period of time. (Belmont, Kellyann) (Entered: 10/19/2020)
10/19/2020	114	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered. Concerning the court's docket entry for October 19, 2020, in which the court ordered defendant to produce certain documents, counsel for both parties have notified the court that there is a dispute concerning the court's order on RPD #35. The court clarifies its order as follows: defendant shall notify plaintiff if there are any other instances other than this case, in which consumers responded to QuoteWizard's claim that they had consented to contact, QuoteWizard responded that it had an IP address that was evidence of consent, and the consumer informed QuoteWizard that the subject IP address was not theirs. If there are other instances, the parties will further negotiate what documents about these instances shall be provided to plaintiff. The preliminary information about this RPD shall be provided no later than October 26, and the parties shall confer concerning documentation to be provided by close of business October 29, 2020. If the parties cannot agree they may file a status report by November 2, 2020 setting out their dispute.(Belmont, Kellyann) Modified to correct dates on 10/19/2020 (Belmont, Kellyann). . (Entered: 10/19/2020)
10/28/2020	115	ELECTRONIC NOTICE of Hearing. Ex Parte hearing re defendant's privilege log set for 10/29/2020 02:30 PM by video before Magistrate Judge M. Page Kelley. (Belmont, Kellyann) (Entered: 10/28/2020)
10/29/2020	116	ELECTRONIC NOTICE Canceling Hearing. The hearing set for 10/29/2020 at 2:30pm in front of Magistrate Judge Kelley is cancelled and will be rescheduled. (Belmont, Kellyann) (Entered: 10/29/2020)
10/29/2020	117	ELECTRONIC NOTICE of Hearing: Ex Parte hearing re defendant's privilege log set for 11/3/2020 10:00 AM by video before Magistrate Judge M. Page Kelley. (Belmont, Kellyann) (Entered: 10/29/2020)
11/03/2020	118	Electronic Clerk's Notes for proceedings held before Magistrate Judge M. Page Kelley: Hearing held via video on 11/3/2020. Ex parte hearing held regarding defendant's privilege log. Counsel answers the Court's questions regarding the log. (Court Reporter: Robert Paschal at rwp.reporter@gmail.com.)(Attorneys present: Christine Kingston for defendant) (Belmont, Kellyann) (Entered: 11/03/2020)
11/03/2020	119	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered. "After review of defendant's privilege log and after asking counsel for defendant questions about the log at

		an ex parte hearing held on November 3, 2020, the court finds that the log appropriately designates privileged documents and that those documents need not be disclosed to plaintiff."(Belmont, Kellyann) (Entered: 11/03/2020)
11/11/2020	120	Joint MOTION for Extension of Time to December 18, 2020 to Complete Discovery by Joseph Mantha.(Broderick, Edward) (Entered: 11/11/2020)
11/11/2020	121	NOTICE of Change of Address or Firm Name by Christine Kingston (Kingston, Christine) (Entered: 11/11/2020)
11/11/2020	122	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting 120 Joint Motion to Extend Phase 1 Discovery by Thirty-Five Days. Phase 1 discovery shall conclude on Friday, December 18, 2020. (MacDougall, Patricia) (Entered: 11/11/2020)
12/03/2020	123	MOTION to Compel <i>Subpoena Response of Non-Party</i> by Quotewizard.com, LLC. (Attachments: # 1 Exhibit 1 - Subpoena, # 2 Exhibit 2 - Affidavit of Service, # 3 Text of Proposed Order)(Kingston, Christine) (Entered: 12/03/2020)
12/15/2020	124	JOINT STATEMENT of counsel <i>as to Discovery Dispute</i> . (Attachments: # 1 Exhibit Defendant's Supplemental Discovery Responses, # 2 Exhibit Defendant's Response to Second Request for Production of Documents, # 3 Exhibit Declaration of Counsel, # 4 Exhibit Plaintiff's Text History, # 5 Exhibit Declaration of Tricia Winkler)(McCue, Matthew) (Entered: 12/15/2020)
12/16/2020	125	Joint MOTION for Extension of Time <i>to Extend Phase I Discovery Deadline by Sixty Days</i> by Quotewizard.com, LLC.(Kingston, Christine) (Entered: 12/16/2020)
12/20/2020	126	Letter/request (non-motion) from Plaintiff's counsel supplementing Joint Letter Report #124 . (Attachments: # 1 Exhibit Email Exchanged as to Compelled Discovery)(McCue, Matthew) (Entered: 12/20/2020)
12/21/2020	127	STATUS REPORT <i>Concerning Dispute Over Plaintiff's Responses to Defendant's Written Discovery Requests and Plaintiff's Compliance With ECF No. 109</i> by Quotewizard.com, LLC. (Attachments: # 1 Exhibit A - Defendant's Fourth Set of Interrogatories to Plaintiff, # 2 Exhibit B - Plaintiff's Response to Defendant's Fourth Set of Interrogatories, # 3 Exhibit C - Defendant's Fifth Request for Production of Documents to Plaintiff, # 4 Exhibit D - Plaintiff's Response to Defendant's Fifth Request for Production of Documents, # 5 Exhibit E - Defendant's Seventh Request for Production of Documents to Plaintiff, # 6 Exhibit F - Plaintiff's Response to Defendant's Seventh Request for Production of Documents, # 7 Exhibit G - Dr. Franklin Pierce School's Rule 30(b)(6) Deposition Transcript)(Kingston, Christine) (Entered: 12/21/2020)
12/22/2020	128	STATUS REPORT <i>Joint Status Report Concerning Dispute Over Plaintiff's Responses to Defendant's Written Discovery Requests and Plaintiff's Compliance with ECF No. 109</i> by Quotewizard.com, LLC. (Attachments: # 1 Exhibit A - Defendant's Fourth Set of Interrogatories to Plaintiff, # 2 Exhibit B - Plaintiff's Response to Defendant's Fourth Set of Interrogatories, # 3 Exhibit C - Defendant's Fifth Request for Production of Documents to Plaintiff, # 4 Exhibit D - Plaintiff's Response to Defendant's Fifth Request for Production of Documents, # 5 Exhibit E - Defendant's Seventh Request for Production of Documents to Plaintiff, # 6 Exhibit F - Plaintiff's Response to Defendant's Seventh Request for Production of Documents, # 7 Exhibit G - Dr. Franklin Pierce School's Rule 30(b)(6) Deposition Transcript, # 8 Exhibit H - Plaintiff's Second Supplemental Response to Defendant's Request for Production of Documents, # 9 Exhibit I - Rule 11 Letter)(Kingston, Christine) (Entered: 12/22/2020)
01/04/2021	129	Magistrate Judge M. Page Kelley: ORDER entered re 123 Motion to Compel (Belmont, Kellyann) (Entered: 01/04/2021)

01/04/2021	130	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting 125 Motion for Extension of Discovery Deadline by Sixty Days. As requested by the parties, Phase I discovery is extended to and including February 18, 2021. (Kelley, M.) (Entered: 01/04/2021)
01/05/2021	131	<p>ELECTRONIC NOTICE of Hearing. Status Conference set for 1/11/2021 02:00 PM in Remote Proceeding : Boston before Magistrate Judge M. Page Kelley.</p> <p>This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.</p> <p>Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html.</p> <p>For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov.</p> <p>(Belmont, Kellyann) (Entered: 01/05/2021)</p>
01/11/2021	132	<p>Electronic Clerk's Notes for proceedings held before Magistrate Judge M. Page Kelley: Status Conference held on 1/11/2021.</p> <p>Court hears argument on docket nos. 124 , 126 , and 128 concerning continuing discovery disputes.</p> <p>Regarding nos. 124 and 126 , QuoteWizard shall provide to plaintiff, by February 1, 2021, all comments by consumers related to the 46,000 Do Not Call requests, whether pertaining to "complaints" about the texts received or simply "opt-outs," made by consumers who received telemarketing texts from QuoteWizard (including those made on behalf of QuoteWizard by Drips).</p> <p>QuoteWizard shall also provide to plaintiff documents which discuss the Do Not Call requests.</p> <p>After receipt of the above discovery, plaintiff and defendant shall confer regarding plaintiff's receiving a sampling of the phone numbers that are presently redacted from the materials that have been provided.</p> <p>Regarding # 128 , plaintiff shall go through the data that was extracted by his expert from his electronic devices and produce information that is responsive to all discovery requests from QuoteWizard. Plaintiff shall provide QuoteWizard with cell phone numbers of people who contacted him for reasons related to his work. He shall provide QuoteWizard with two pay stubs, redacted if necessary, showing the \$30 credit he received for his cell phone from his employer, and he shall provide QuoteWizard with any documentation from his 2019 tax return concerning his taking a deduction for use of the phone.</p> <p>The court denies QuoteWizard's request for a copy of the imaging of plaintiff's electronic devices made by plaintiff's expert.</p> <p>(Court Reporter: James Gibbons at jamesgibbonsrpr@gmail.com.) (Attorneys present:</p>

		Matthew McCue, Edward Broderick, Kevin Polansky) (Belmont, Kellyann) (Entered: 01/11/2021)
01/25/2021	133	Objection to 132 Status Conference,,,,,,, Terminate Hearings,,,,,,, by Quotewizard.com, LLC <i>Defendant's Objections to Magistrate Judge's Order Requiring Production of Certain Records Not in its Possession, Custody, or Control</i> . (Attachments: # 1 Declaration of Tricia Winkler, # 2 Affidavit Affidavit of Counsel, # 3 Exhibit 1 to Affidavit of Counsel)(Kingston, Christine) (Entered: 01/25/2021)
02/04/2021	134	Assented to MOTION for Leave to File <i>Exhibits Under Seal as to Plaintiff's Opposition to Defendant's Objection to Order of Judge Kelley ECF #132</i> by Joseph Mantha.(McCue, Matthew) (Entered: 02/04/2021)
02/08/2021	135	District Judge Leo T. Sorokin: ELECTRONIC ORDER entered granting 134 Assented-to MOTION for Leave to File Exhibits Under Seal as to Plaintiff's Opposition to Defendant's Objection to Order of Judge Kelley ECF #132 ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Montes, Mariliz) (Entered: 02/08/2021)
02/08/2021	136	Plaintiff's OPPOSITION To 133 Defendant's Objections to 132 Magistrate's Judge's Order Compelling Quotewizard to Produce Do Not Call Complaints By Joseph Manta. (Attachments: # 1 Exhibit Redacted DNC Requestes, # 2 Exhibit Audit Email Between Drips and QW, # 3 Exhibit Drips Contract, # 4 Exhibit Drips Depo Excerpts, # 5 Exhibit Drips DNC Tier Document, # 6 Exhibit Decl of Counsel and Drips DNC Requests From Similar Litigation)(McCue, Matthew) Modified on 2/8/2021 to link response to link to correct pleadings(Montes, Mariliz). (Additional attachment(s) added on 2/8/2021: # 7 B unredacted version of plaintiff's opposition, # 8 Exhibit 1 (filed under seal), # 9 Exhibit 2 (filed under seal)) (Montes, Mariliz). (Additional attachment(s) added on 2/8/2021: # 10 Exhibit 3 (filed under seal), # 11 Exhibit 4 (filed under seal), # 12 Exhibit 5 (filed under seal), # 13 Exhibit 6 (filed under seal)) (Montes, Mariliz). (Entered: 02/08/2021)
02/16/2021	137	Assented to MOTION to Seal <i>/File Exhibit Under Seal</i> by Quotewizard.com, LLC. (Kingston, Christine) (Entered: 02/16/2021)
02/17/2021	138	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting 137 Defendant's Assented-To Motion To File Exhibit Under Seal. Counsel will receive an email within twenty-four (24) hours of this order with instructions for submitting sealed documents for which leave has been granted in accordance with the Local Rules of the U.S. District Court of Massachusetts. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (MacDougall, Patricia) (Entered: 02/17/2021)
02/17/2021	139	MOTION for Discovery <i>to Enforce the Portion of ECF No. 132 Requiring the Production of Documents by Plaintiff to Require Plaintiff to Produce Unredacted Documents</i> by Quotewizard.com, LLC. (Attachments: # 1 Exhibit 1 - FILED UNDER SEAL, # 2 Exhibit 2 - Email)(Kingston, Christine) (Entered: 02/17/2021)
02/17/2021	140	Sealed Exhibit 1 re # 139 MOTION for Discovery to Enforce the Portion of ECF No. 132 Requiring the Production of Documents by Plaintiff to Require Plaintiff to Produce Unredacted Documents by Quotewizard.com, LLC. (Belmont, Kellyann) (Entered: 02/17/2021)
02/19/2021	141	MOTION for Leave to File <i>a Reply Under Seal to Plaintiff's Opposition to its Objections to ECF No. 132</i> by Quotewizard.com, LLC.(Kingston, Christine) (Entered: 02/19/2021)
02/19/2021	142	District Judge Leo T. Sorokin. ELECTRONIC ORDER entered. ALLOWED. re 141

		Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Simeone, Maria) (Entered: 02/19/2021)
02/24/2021	143	REDACTED Reply by Quotewizard.com, LLC to 136 Plaintiff's Opposition to 133 Defendant's Objections to 132 Magistrate's Judge's Order Compelling Quotewizard to Produce Do Not Call Complaints By Joseph Manta. (Attachments: # 1 REDACTED Exhibit A)(Currie, Haley) (Additional attachment(s) added on 2/24/2021: # 2 Reply with Exhibit filed under seal) (Currie, Haley). (Entered: 02/24/2021)
02/24/2021	144	<p>District Judge Leo T. Sorokin: ELECTRONIC ORDER entered.</p> <p>On September 30, 2020, Plaintiff Mantha moved to compel Defendant QuoteWizard to produce all "Do Not Call" (DNC) requests relating to a telemarketing campaign conducted on its behalf by third party Drips. Doc. No. 104. In an Order dated October 19, 2020, Magistrate Judge Kelley required QuoteWizard to "produce all 'Do Not Call' requests relating to telemarketing conducted on behalf of QuoteWizard by Drips." Doc. No. 112. QuoteWizard did not object to this Order or move for reconsideration. In December 2020, Mantha moved again to compel production of these documents. Doc. Nos. 124 & 126. In an Order dated January 11, 2021, Judge Kelley ordered QuoteWizard to produce "all comments by consumers related to the 46,000 Do Not Call requests... made by consumers who received telemarketing texts from QuoteWizard (including those made on behalf of QuoteWizard by Drips)." Doc. No. 132. QuoteWizard has Objected (Doc. No. 133) to this most recent order. One might reasonably conclude that Judge Kelley's October 2020 Order required production of the DNC requests received by Drips on QuoteWizard's behalf and that any ambiguity or objection ought have been timely raised in response to that unchallenged Order. But the Court need not consider any such issues because Judge Kelley's January 2021 Order withstands challenge regardless. The record before the Court establishes that, under any standard of review, the relevant documents are within the custody or control of QuoteWizard (even if not currently within its possession). <u>See e.g.</u>, Doc. No. 136-9. Nor can the Court say that Judge Kelley's determinations as to the scope of the dispute, the relevance or proportionality of the request, and the question of undue burden were "clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a). The Court rejects QuoteWizard's assertion that Mantha evaded Rule 45 by serving a subpoena for documents on a third party, requesting the same documents from a party, and then seeking those documents from the party directly after determining the party had them within its possession, custody, or control. QuoteWizard's Objection (Doc. No. 133) is OVERRULED. Any necessary or appropriate adjustments to the deadline for compliance with the Order shall be made by Judge Kelley.</p> <p>(Currie, Haley) (Entered: 02/24/2021)</p>

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